

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:07cv407**

**MICHAEL L. CARVER; DONALD)
COOK; BRANDON FISHER; JAMES)
MATTHEW LEVI; ERIC MARX;)
TED TEDWARD RICE; JAYSON)
ALEXANDER RICHARDSON; and)
ANGELA SURRATT, on behalf of)
themselves and all others similarly)
situated,)**

Plaintiffs,

Vs.

ORDER

**VELOCITY EXPRESS)
CORPORATION; VELOCITY)
EXPRESS, INC.; VELOCITY)
EXPRESS SOUTHEAST, INC.;)
VELOCITY EXPRESS LEASING,)
INC.; VELOCITY EXPRESS)
LEASING SOUTHEAST, INC.;)
VELOCITY EXPRESS MID-)
ATLANTIC, INC.; and JOHN DOE)
VELOCITY EXPRESS PLAN)
ADMINISTRATOR)**

Defendants.

THIS MATTER is before the court on defendants' Motion for Clarification.

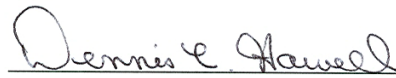
Having considered defendants' motion and reviewed the pleadings, and finding that

it was oversight not to include defendants in the written discovery process, the court enters the following Order.¹

ORDER

IT IS, THEREFORE, ORDERED that defendants' Motion for Clarification (#24) is **GRANTED**, and paragraph four of the Initial Discovery Order is amended to allow defendants, collectively, to serve not more than 15 interrogatories and 15 requests for production of documents on each plaintiff, limited to issues relevant to class and collective certification, as discussed in the previous Order, and in particular discovery related to plaintiffs' relationship with defendants, including tax returns.

Signed: April 16, 2008



Dennis L. Howell
United States Magistrate Judge



¹ Due to the tight discovery schedule and the clear entitlement to the relief sought, the court has not awaited a response from plaintiffs. Counsel for defendants are respectfully reminded of their obligation under Local Civil Rule 7.1(B) to consult and reflect consultation in such a motion.